

# **PLANNING COMMISSION**

## **ACTION MINUTES**

**TUESDAY, JANUARY 16, 2001**

Chair Parsons called the meeting to order at 7:05 p.m. at the Twin Pines Senior and Community Center.

### **ROLL CALL:**

Present, Commissioners: Parsons, Gibson, Mathewson, Petersen, Torre, Purcell

Absent, Commissioners: Wiecha

Present, Staff: Community Development Director Ewing, Principal Planner de Melo, Senior Planner Livingstone, Contract Planner Schimpp, Assistant City Engineer Jones, Deputy City Attorney Zefferano, Recording Secretary Flores

**AGENDA STUDY SESSION:** None

### **AGENDA AMENDMENTS:**

Community Development Director Ewing asked that Item 7B, Design Review and FAR Exception for 824 Covington Road, be continued to allow an opportunity to reconsider the project in the light of recent findings and to clarify some of the definitions as understood by the City Attorney and City staff.

**COMMUNITY FORUM (Public Comments):** None

### **CONSENT CALENDAR:**

**Action Minutes of November 8, 2000**

**MOTION: By Commissioner Torre, seconded by Commissioner Mathewson, to approve the Action Minutes of November 8, 2000. Motion passed.**

### **STUDY SESSION**

**U.S. Highway 101 Bicycle/Pedestrian Bridge Project**

The staff report was given by Assistant City Engineer Jones, stating that the purpose of placing the item on agenda was to give the Commission an overview of the project, its schedule and funding, and to seek feedback from the Commission about the plans.

Assistant City Engineer Jones responded to questions from the Commission. Commissioner Purcell suggested that he contact the Mid-Peninsula and Silicon Valley Bicycle Coalitions and stated that she would like to sit in on meetings with the BCDC. Chair Parsons suggested that the CEQA process and CALTRANS approvals need to be considered in making the schedule.

### **SPECIAL INTRODUCTION:**

**Community Development Director Ewing introduced recently-hired Associate Planner/Housing Specialist Andrea Ouse, who was in the audience.**

### **PUBLIC HEARINGS:**

**900 Sixth Avenue.** To consider a Conditional Use Permit to Amend the Detailed Development Plan and review the final landscape plan for the Belmont Vista Assisted Living Facility. (Appl. No. 99-1134); APN 045-152-540 and 570; Zoned PD; CEQA Status: Exempt; Applicant: Hardison Komatsu Ivelich & Tucker; Paradigm Health Care, L.P. (Owner)

Senior Planner Livingstone summarized the staff report, recommending the first sentence of the Community Development conditions of approval, item #4 be deleted..

Michael McCracken, representing the applicant, stated that he concurs with the staff recommendations and that all consultants and the principals were available to answer questions. David Elk, landscape architect, made a presentation and responded to questions from the Commission and from Doug Curtis, owners' representative.

Chair Parsons opened the public hearing. No one came forward to speak

**MOTION: By Commissioner Mathewson, seconded by Commissioner Gibson, to close the Public Hearing. Motion passed.**

Discussion ensued.

**MOTION: By Commissioner Mathewson, seconded by Commissioner Purcell, to adopt Resolution 2001-5 approving a Conditional Use Permit to amend the Detailed Development Plan and the final landscape plan for 900 Sixth Avenue with the incorporation of additional conditions that the applicant shall provide a stucco textured finish and paint to the retaining wall in the City parking lot. The applicant shall also provide irrigation and landscaping to the area located beneath the retaining wall. The landscaping shall include climbing vines for the retaining wall. The applicant shall plant Rosemary above the City retaining wall to hang over and screen the wall.**

**AYES: Gibson, Mathewson, Petersen, Purcell, Torre, Parsons**

**ABSENT: Wiecha**

Chair Parsons announced that this item may be appealed to the City Council within 10 days.

**824 Covington Road.** To consider a Design Review and FAR Exception to add 776 sq. ft. to the first floor and 298 sq. ft. to the second floor of an existing 5,447-square-foot single-family residence for a total of 6,521 square feet. The permitted zoning district maximum is 3,500 square feet. (Appl. No. 00-1092); APN: 044-281-160; CEQA Status: Exempt; David and Virginia Taylor (Applicant/Owner)

**MOTION: By Commissioner Petersen, seconded by Commissioner Torre, to continue this item to the next regular meeting of the Planning Commission on February 6, 2001.**

**AYES: Gibson, Torre, Purcell, Petersen, Mathewson, Parsons**

**ABSENT: Wiecha**

**One Davis Drive.** To consider a Design Review and Conditional Use Permit for the installation of a new wireless paging system facility for SkyTel, consisting of roof-mounted whip and dish antennas and an in-building radio equipment cabinet. (Appl. No. 00-0036) APN: 043-340-130, Zoned E-2 CEQA Status: Exempt; Art Najera for Skytel (Applicant); Davis Associates (Owner)

Contract Planner Schimpp summarized the staff report.

The applicant stated that he is in full agreement with the staff report recommendation and conditions.

Discussion ensued regarding how to allow for possible future FCC decisions regarding health effects of these types of facilities. Community Development Director Ewing pointed out that the FCC has preempted the Commission's authority to deal with health issues, and any attempt to get around that would be trying to contravene the law.

**MOTION: By Commissioner Purcell, seconded by Commissioner Petersen, to adopt Resolution 2001-6 approving a Design Review and Conditional Use Permit for the installation of a new wireless paging system for Skytel at One Davis Drive, substituting the word "May" for the word "Shall" for condition #5 in the Community Development Conditions of Approval.**

**AYES: Mathewson, Torre, Purcell, Petersen, Gibson Parsons**

**ABSENT: Wiecha**

Chair Parsons announced that this item may be appealed to the City Council within 10 calendar days.

Responding to Chair Parsons' request that staff prepare a map showing these types of installations in the City, Community Development Director Ewing stated that there will be an opportunity to do this as the City's Information Technology Department puts together a series of geobase mapping levels.

**2423 Read Avenue.** To consider a Design Review to remodel an existing 2,849-square-foot single-family residence by adding a 560-square-foot addition to the lower rear of the dwelling for a total of 3,409 square feet in a zoning district that permits 3,500 square feet; (Appl. No. 00-1101); APN: 044-241-120; CEQA Status: Exempt; Applicant: Jim Walters, Contractor; Owner: David and Alyce Tognotti, George and Pat Burgess

Contract Planner Schimpp presented the staff report, recommending approval and answering questions from the Commission regarding crawl space and square footage of the house.

David Tognotti, applicant, asked the Commission to consider amending the resolution to exclude the Planning condition, item 3, requiring removal of the non-compliant part of the driveway since it provides needed parking space. He also stated that it his intention that the deck supports will not be visible and the laundry room will be moved from the upstairs to the downstairs.

Regarding gross floor area, Principal Planner de Melo gave background as to how the square footage was calculated, and clarified for the Commission that the crawl space, since it is a dirt floor and unfinished, is not counted as floor area.

Chair Parsons read a statement provided by the applicant certifying that the proposed addition is not to be used as a separate residence now or in the future. Mr. Tognotti informed the Commission that the intention of the addition is to provide a full, legitimate master bedroom and some added living space, and that is not their intention to have another person living there.

Responding to Commissioner Petersen's question, City Attorney Zafferano stated that this certificate is not binding on a new owner if the house is sold. Community Development Director Ewing clarified for the Commission that it is legal for an owner to rent out a spare bedroom but that it is illegal to create a separate dwelling unit. Staff is researching with the Building Official what constitutes a legal way to create a test to define a separate dwelling unit.

Chair Parsons opened the public hearing. No one came forward to speak.

**MOTION: By Commissioner Purcell, seconded by Commissioner Mathewson, to close the public hearing. Motion passed.**

**MOTION: By Commissioner Purcell, seconded by Commissioner Torre, to adopt Resolution 2001-7 approving a Design Review for 2423 Read Avenue for the 560-square-foot addition, with the conditions as submitted.**

**AYES: Purcell, Gibson, Petersen, Torre, Parsons**

**NOES: Mathewson**

**ABSENT: Wiecha**

Chair Parsons announced that the item may be appealed to the City Council within 10 days.

Chair Parsons declared a recess at 8:50 p.m. The meeting resumed at 9:05 p.m.

**1629 Notre Dame Avenue.** To consider a Design Review to add a second story, extend the existing garage and remodel the interior of the first floor of an existing 1,259 square-foot-single-family residence. The remodel will add 1,483 square feet for a total of 2,742 square feet in a zoning district that permits 3,500 square feet; (Appl. No. 00-1075); APN: 044-342-060, Zoned R1B; CEQA Status: Exempt; Daniel Ferst (Applicant/Owner)

Commissioner Petersen recused herself as she lives within 300 feet of this project.

Contract Planner Schimpp summarized the staff report, recommending approval.

The applicant apologized for the delay in submitting the drawings and answered questions from the Commission.

Chair Parsons opened the public hearing.

Gary Stang, 1625 Notre Dame, and Dick Baxter, 1614 Notre Dame, spoke in support of the addition.

Sue Stedman designer, stated that any suggestions from the Commission would be welcome.

Discussion ensued.

**MOTION: By Commissioner Purcell to approve a Design Review for 1629 Notre Dame Avenue with the added condition of the removal of the fireplace.**

**Motion failed for lack of a second.**

**MOTION: By Commissioner Torre, seconded by Commissioner Mathewson, to adopt Resolution 2001-8 approving a Design Review for 1629 Notre Dame Avenue with conditions as attached in Exhibit A, with the stipulation that the new retaining walls be of the same materials and character as the existing retaining wall.**

**AYES: Mathewson, Torre, Gibson, Purcell, Parsons**

**RECUSE: Petersen**

**ABSENT: Wiecha**

Chair Parsons announced that the item may be appealed to the City Council within ten days.

**2594, 2596, and 2598 Coronet Boulevard.** To consider a grading plan and setback variance for three (3) single-family homes to allow setbacks of 14 feet where a 45-foot setback is required from the middle of a private easement. (Appl. No. 99-1087); APN: 044-260-170, 210, & 220; Zoned R-1B; CEQA Status: Exempt; Fred Voskoboynikov (Applicant/Owner)

The staff report was given by Principal Planner De Melo consolidating the above item and the next three items regarding these properties into one report, stating that staff believes that findings can be made for approval of all four items, and answering questions from the Commission.

Frank Gonsalves, representative of the developer/owner, Bruce Chan landscape architect, and Warren Haley, civil engineer, made brief presentations and answered questions from the Commission.

Chair Parsons opened the public hearing.

Eino Jacobs and Annelys Guisasola, 2605 Prindle Road, spoke in opposition to the development of the parcel due to environmental concerns. Mr. Delgadillo, 2600 Coronet Boulevard, spoke expressed concerns about the cut and fill and the height of the retaining wall, and reminded the Commission that the proposal is based on his agreement on the easement and adding that he would like to review anything that is proposed.

**MOTON: By Commissioner Gibson, seconded by Commissioner Purcell, to close the public hearing. Motion passed.**

Discussion ensued.

Commissioner Gibson expressed concerns about serious safety issues.

Commissioner Petersen expressed concerns about the whole idea of the project.

Commissioner Purcell - plan improved since April 2000 proposal – driveway improved – storm drain questions have been addressed – probably the worst project that has been come before PC since she's been on it because of the very steep driveway and the intense public safety issues. Would definitely want the bonds to be required for the oak trees per the arborist's report. Likes version of Ralston Avenue planting. Private street is totally difficult to deal with from a safety standpoint.

Commission Mathewson – not thrilled about the dwelling closest to Ralston. Will take awhile for landscape to start covering up the houses in what is essentially a view corridor.

Commissioner Torre wasn't here when the project was last reviewed, doesn't like the project but that's not particularly relevant if they are legal parcels – the developer has a right to build on them. Staff asked them to look at entrance off of Coronet and they complied. Commission doesn't have the right to deny someone the ability to get value out of their land. Modifications have been made that were requested in April 2000. Neighbor saying that these plans are based upon an easement agreement that he is willing to give. Uncomfortable with voting no given those facts, even though she doesn't like it.

Parsons – had he been on the Commission when it was first proposed he would have tried to broker some other kind of development – since a commitment has been made by the City to the owners as to property exchange we have to live with it. We need to fix as best as we can. Agrees with Alicia on property rights issue – agrees its not a good project – has merits in that the developer has made a great effort to accommodate the City. Inclined to agree with what the landscape architect has said – would like to see that we have some kind of rear setback and fence details for security reasons.

Purcell agrees with Parsons. Given the history she feels we're stuck with the project. Petersen doesn't feel we should vote for something we don't like. Not obliged to grant a variance. Generally feels that it's going to be worse. Torre, there are three legal parcels – if we say no on the variance – the owner has legal right to build 3 houses – set back sets them up closer to Ralston – Variance will not change that fact.

Staff believes that this is safer arrangement. Director Ewing believes it is not a good alternative for them to have their legal access to Ralston either by the easement or access off of Ralston. Staff believes they have legal access to Ralston. Director Ewing - no one presented us with anything to indicate that there is a health and safety issue associated with the development as proposed. Absent that, doesn't see how you can come to the conclusion..... Principal Planner de Melo – both Public Works and Fire have heavily conditioned the project to a roadway that is only 20-feet wide and address the grade of a roadway that exceeds the City's acceptable grade of 18%.

Purcell - what are alternatives if we turn it down? Would appeal to City Council. What kind of process could be better? Director Ewing, not reality – it's the applicant's call – presently zoned ok. Purcell, if appealed we

might have to go to court – does the owner have any realistic design options if they did have to reconfigure the lots? Doesn't seem that geography permits .

Director Ewing - wished we had had this conversation when the original subdivision was being proposed but we cannot turn that clock back. If we're looking at these 3 lots in this configuration, we believe that this is the safest possible configuration and that's why we're here recommending approval. If the applicant suddenly decided that two lots would be acceptable, then there are design options that we could explore. And we still only have the one easement down from Coronet so in any case we would have a very steep driveway.

Community Development Director Ewing suggested that a condition be added to Exhibit A that a setback line for rear yard fences be established on each lot, subject to the approval of the Community Development Director, and recorded on each lot prior to the issuance of building permits. He clarified for the record that the intent of this condition is to preserve the view of site landscaping from Ralston Avenue while allowing minimal rear yard enclosures.

**MOTION: By Commissioner Purcell, seconded by Commissioner Matheson, to adopt Resolution 2001-9 approving the grading plan and setback variance for homes at 2594, 2596 and 2598 Coronet Boulevard, with Conditions of Approval as listed in Exhibit A, except that Conditions 10 and 15 shall be removed and the following conditions added: 1) the oak trees shall be bonded as mentioned in the Arborist's report; 2) a setback line for rear yard fences shall be established on each lot, subject to the approval of the Community Development Director, and recorded on each lot prior to the issuance of building permits; and 3) any fencing that the residents might wish to add would be subject to design review.**

**AYES: Mathewson, Torre, Purcell, Parsons**

**NOES: Gibson, Petersen**

**ABSENT: Wiecha**

Chair Parsons announced that this item may be appealed to the City Council within 10 days.

**2594 Coronet Boulevard.** To consider a Single-Family Design Review to construct a new two-story 2,960-square-foot single-family home. The new dwelling includes a kitchen, full bathroom, den/bedroom, and family, living, and dining rooms, and an attached two-car garage on the main level. The lower level includes three additional bedrooms and two bathrooms. (Appl. No. 99-1088); APN: 044-260-170, Zoned R1-B; CEQA Status: Exempt; Fred Voskoboynikov (Applicant/Owner)

**MOTION: By Commissioner Mathewson, seconded by Commissioner Torre, to adopt Resolution 2001-10 to approve the Design Review for a single-family residence at 2594 Coronet Boulevard, subject to Conditions of Approval as listed in Exhibit A and with three additional conditions as specified in the previous item.**

**AYES: Mathewson, Purcell, Torre, Parsons**

**NOES: Petersen ABSTAIN: Gibson**

**ABSENT: Wiecha**

Chair Parsons announced that this item may be appealed to the City Council within 10 days.

**2596 Coronet Boulevard.** To consider a Single-Family Design Review to construct a new two-story 2,458-square-foot single-family home. The new dwelling includes a kitchen, full bathroom, den, and family, living, and dining rooms, and an attached two-car garage on the main level. The lower level includes three additional bedrooms and two bathrooms. (Appl. No. 99-1089); APN: 044-260-210; Zoned R1-B; CEQA Status: Exempt; Fred Voskoboynikov (Applicant/Owner)

**MOTION: By Commissioner Torre, seconded by Commissioner Purcell, to adopt Resolution 2001-11 to approve the Design Review for a single-family residence at 2596 Coronet Boulevard, subject to Conditions of Approval as listed in Exhibit A and with the three additional conditions specified above.**

**AYES: Torre, Purcell, Mathewson, Parsons**

**NOES: Petersen**

**ABSTAIN: Gibson**

**ABSENT: Wiecha**

Chair Parsons announced that this item may be appealed to the City Council within 10 days.

**2598 Coronet Boulevard. To consider a Single-Family Design Review to construct a new two-story 2,003 square-foot single-family home. The new dwelling includes a kitchen, full bathroom, den/bedroom, and family, living, and dining rooms, and an attached two-car garage on the main level. The lower level includes two additional bedrooms and two bathrooms. (Appl. No. 01-0002); APN: 044-260-220; Zoned R1-B; CEQA Status: Exempt; Fred Voskoboynikov (Applicant/Owner)**

**MOTION: By Commissioner Mathewson, seconded by Commissioner Torre, to adopt Resolution 2001-12 to approve the Design Review for a single-family residence at 2598 Coronet Boulevard, subject to Conditions of Approval as listed in Exhibit A and with the three additional conditions specified above.**

**AYES: Purcell, Torre, Mathewson, Parsons**

**NOES: Petersen**

**ABSTAIN: Gibson**

**ABSENT: Wiecha**

Chair Parsons announced that this item may be appealed to the City Council within 10 days.

#### **REPORTS, STUDIES, UPDATES AND COMMENTS:**

**Chair Parsons reminded the Commission that applications to attend the March Planner's Institute in Monterey should be submitted to Recording Secretary Flores as soon as possible. Staff agreed to check the files regarding a meeting in January Commissioner Purcell had wanted to attend. Responding to Chair Parsons reminder of the need to get the definition of a FAR that includes clarification of what constitutes a crawl space to the Commission as soon as possible, Principal Planner de Melo stated that he is hoping to have that item on the agenda for the first meeting in March.**

**Responding to Commissioners request that the planner's name appear after each agenda item, Community Development Director Ewing agreed that staff would put a separate cover letter on each packet listing the item and the staff planner, unless staff has no concerns about having their names and phone numbers on the agenda.**

**Commissioner Purcell asked that the City arborist put his phone number on the cover sheet of his reports so that the Commission can call him directly if they have any questions.**

**So that staff can make the most efficient use of their time, Chair Parsons suggested that Commissioners call ahead to make appointments with staff rather than just dropping by the office.**

**Commissioner Petersen reported on the Sister City program, stating that she will be talking to City officials.**

**Commissioner Purcell reported that the conceptual plan for the Library is still being revised, and that a citizens' committee has started to work on a bond issue for a March election.**

**Community Development Director Ewing stated for the information of the Commission that: a) Landscaping does not make a good sound wall -- the only effective sound wall is a sound wall; b) Council members have been invited to attend the upcoming Monterey Planners' Institute; and c) They should expect to hear from him frequently regarding what their limits of authority are -- he wants to help them make the best decisions within the bounds of their authority.**

**PLANNING COMMISSION LIAISON TO CITY COUNCIL MEETING OF TUESDAY, JANUARY 23, 2001**

Commissioner Gibson had agreed to attend the January 23<sup>rd</sup> Council meeting.

**ADJOURNMENT:**

The meeting adjourned at 11:09 p.m. to a regular meeting on February 6, 2001 at Twin Pines Senior and Community Center.

---

Craig A. Ewing, AICP

Planning Commission Secretary

I:\Planning Commission\min011601

*Audiotapes of Planning Commission Meetings are available for review  
in the Community Development Department.*

*Please call (650) 595-7416 to schedule an appointment.*